

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Richard E. Luedke, AICP, Planning Director

DATE: October 21, 2024

SUBJECT: **Continued Public Hearing: Consideration of an Ordinance Amending the Zoning Ordinance by Amending Ordinance No. 0428-22-ZON to Rezone Approximately 10.207 Acres Located on the Northeast Corner of Lady Tessala Avenue and Essex Boulevard, Legally Described as 10.207 Acres out of the Amos Singleton Survey, Abstract 1138 From Planned Development Multi-Family 3 (PD-MF3) District to Planned Development Townhouse 2 (PD-TH2) District; to Amend the Planned Development Concept Plan set Forth in Exhibit 5B The Realm Subdistrict Concept Plan Thereto by Amending the Concept Plan For 50.562 Acres Located North of Lady Tessala Avenue, Legally Described as 50.562 Acres out of the Amos Singleton Survey, Abstract 1138 and the Benjamin Schoonover Survey, Abstract 1209, as Requested by Patricia Fant, of McAdams, on Behalf of Eric Stanley, of Breco Lands CH LLC, the Property Owner. (Case No. 24-04-2-PZ)**

BACKGROUND:

The City Council opened the public hearing for this item on August 19, 2024 and continued the public hearing to the September 9, 2024, City Council meeting to allow time for a neighborhood meeting. The community/neighborhood meeting was hosted by applicant on Wednesday, September 4, 2024. The public hearing was continued again at the request of the applicant to the September 16, 2024 City Council meeting to provide additional time to update the proposed concept plan to reflect the details discussed at the neighborhood meeting. At the September 16, 2024 City Council meeting, the public hearing was continued for a third time to see if additional setback of the main buildings from Lady Tessala Avenue could be accommodated. On October 7, 2024, the City Council continued the public hearing to the October 21, 2024, City Council meeting to allow the applicant to incorporate increased building setback details into the concept plan.

On January 3, 2022, the City Council adopted the Castle Hills Planned Development (PD) District, Ordinance No. 0428-22-ZON, which incorporated all provisions of the Castle Hills Development Agreement along with the variances to the agreement approved since 1996. The PD was adopted to ensure that zoning in Castle Hills was tailored to match existing development, and that future development is compatible and consistent with existing development. A previous Amendment to a base zoning district was approved by the City Council on January 9, 2023 (Ordinance No. 0520-23-ZON) to allow for a small single family residential subdivision. On August 6, 2024, the Planning and Zoning Commission recommended unanimous approval (5-0) of the base district zone change

from PD-MF3 to PD-TH2 and the concept plan amendment for the area north of Lady Tessala Avenue.

ANALYSIS:

The Castle Hills PD allows changes to base zoning districts throughout the entire PD through the standard Unified Development Code (UDC) zoning process per Sec. II.A. (Base District Rezoning and Amendments). Amendments to the concept plan for the southern half of The Realm Subdistrict must follow the procedures outlined in Section V.C. 'The Realm Subdistrict, Amendments to the Concept Plan', as further outlined in more detail below.

Base District Zone Change

The applicant is requesting to change the base zoning district on 10.207 acres from Planned Development Multi-Family 3 (PD-MF3) District to Planned Development Townhouse Two (PD-TH2) District to allow for an 87-lot, front-entry townhome community where multifamily development had originally been planned. This will allow for additional home ownership opportunities in Castle Hills. This base zoning change also requires changes to the established concept plan as discussed below.

Concept Plan Amendments

The Lewisville zoning ordinance that existed when the Castle Hills PD was established required a concept plan to be attached to a planned development district. Like in all planned development districts in Lewisville, the concept controls development, but can always be amended. Since the Castle Hills developer did not have a final plan for many of the undeveloped parcels within The Realm Subdistrict and since the need to move different components around was highly likely on these parcels, greater flexibility was built into The Realm Subdistrict with regard to the concept plan amendment processes. A process was provided that allowed staff to approve minor modifications to the concept plan. Major modifications to the concept plan would need to be amended like all other PDs in the City of Lewisville - with a zoning amendment plus public hearings before approval. According to Section V.C.2. of the PD, a major modification includes the addition or removal of buildings and changes to site circulation patterns that impact connectivity within the site and to surrounding development. The Planning Director determines if a proposed modification is a major or a minor modification. The Planning Director determined that the proposed changes constitute a major modification because the proposed project adds buildings and changes site circulation patterns that impact connectivity within the site and to surrounding development.

The concept plan for southern subarea of The Realm Subdistrict is being amended in its entirety per Ordinance No. 0428-22-ZON and notices were sent out accordingly. Please note, however, the changes only impact 50.562 acres, which includes the 10.207 acres proposed to be rezoned. Many of the attached exhibits show only the areas proposed for changes for better clarity though the entire concept plan with amendments is also provided. The two specific areas proposed for change are north of Lady Tessala Avenue. The multifamily buildings are being reconfigured and the townhomes are being added to the western portion of this area. Nothing in this changed concept plan reduces the total number of multifamily units allowed in the southern subarea of The Realm

Subdistrict. With the addition of the 87 townhome lots to the tract immediately north of Lady Tessala Avenue, a reduction of approximately 300 multifamily units will occur in this area as those units will be moved to the area between Windhaven Parkway and the wide electrical power line easement that runs parallel to Windhaven Parkway. The remaining multifamily buildings are brought closer to Lady Tessala Avenue and the single-family neighborhood that faces that street. This simultaneously reduces a larger open space shown on the current concept plan by approximately 7 acres and provides an approximately 0.5-acre open space proposed to be dedicated as a public park.

Community Meeting and Revisions

The developer held a neighborhood/community meeting on Wednesday, September 4, 2024, at 6:00 p.m. at the offices of consulting engineering firm, McAdams, located at 4400 State Highway 121, Suite 800, Lewisville, Texas 75056. Approximately 40 residents attended this meeting. The primary concerns discussed were related to the distance proposed between the existing single-family structures and the proposed multifamily structures, the depth of the proposed open space along the north side of Lady Tessala Avenue, and the potential traffic impacts at full build-out of the development. The City Council continued the public hearing on September 9, 2024 and on September 16, 2024 at the request of the property owner to address neighborhood concerns and to provide additional time to update the proposed concept plan with details needed to fully document the additional commitments being made by the applicant. The property owner has requested one additional public hearing continuance to the October 21, 2024, City Council meeting to incorporate additional building setback details on the concept plan.

On the face of the detailed concept plan for the 50.562-acre area north of Lady Tessala Avenue, the developer has provided notes committing to:

- A publicly-accessible open space a minimum of 50 feet in depth from the curb of Lady Tessala Avenue containing:
 - a 6-foot wide meandering sidewalk,
 - a double row of minimum 4-inch caliper shade trees staggered and planted 40 feet on center,
 - benches and trash receptacles every 300 feet, and
 - a wrought-iron fence placed at the back of the open space 6 feet in height with stone columns every 20 feet.
- No gate will be allowed in this wrought-iron fence to discourage multifamily residents from parking on Lady Tessala Avenue.
- The multifamily buildings shall be set back an additional 10 feet behind the wrought-iron fence, making the minimum building setback from Lady Tessala Avenue 60 feet.
- The portions of the multifamily buildings within 100 feet of the curb of Lady Tessala Avenue will be limited in height to 4 stories.

The future multifamily buildings will have an overall variable setback depending on the ultimate design. The conceptual layout of the multifamily buildings illustrates several corners of the buildings touching the 60-foot setback line while the bulk of the buildings are set at various distances ranging from 60 feet to 197 feet and averaging approximately 113 feet.

Additional commitments placed on the face of the overall concept plan for The Realm Subdistrict include preparation of a traffic impact analysis for the entirety of The Realm Subdistrict within one year, the preparation of wastewater and drainage studies for the entirety of The Realm Subdistrict within five years, an increase in the setback of multifamily buildings within The Realm Subdistrict from five feet to ten feet, and a height limit of 6 stories for all multifamily buildings in the base Multifamily-3 (MF-3) District within The Realm Subdistrict.

Summary

The proposed base district zone change to TH2 is aligned with the Big Move of Diverse and Thriving Neighborhoods as outlined in the Lewisville 2025 Vision Plan. The Realm South concept plan amendment introduces an additional housing type in the Lady Tessala Avenue area and increases home-ownership options. The reduction in density in this area will also result in a reduction of traffic demands in this area as well.

CITY STAFF’S RECOMMENDATION:

That the City Council consider the ordinance as set forth in the caption above. Staff’s recommendation has changed from “approve” to “consider” as staff has not agreed to some of the proposed new language; that specific language is highlighted in yellow on page 1 of Exhibit C. Staff is working with the developer to establish mutually agreed upon language prior to the City Council meeting. If new language is agreed upon prior to the City Council meeting, staff will provide revisions. If we cannot find mutually agreed upon language prior to the meeting, staff will recommend continuing the public hearing once again.